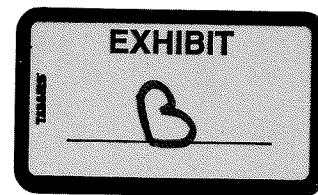


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



ePLUS INC.,

Plaintiff,

v.

LAWSON SOFTWARE, INC.,

Defendant.

Civil Action No. 3:09cv620(JRS)

**PRETRIAL ORDER (Patent Case)**

1. The parties have already initiated discovery.
2. In responding to discovery requests, each party shall construe broadly terms of art used in the patent field (e.g. "prior art," "best mode," "on sale"), and read them as requesting discovery relating to the issue as opposed to a particular definition of the term used. Compliance with this order is not satisfied by respondent including a specific definition of the term-of-art in its response to that definition.
3. Because the parties have already initiated discovery pertaining to their contentions of infringement or non-infringement, validity or invalidity, the Court will not require the parties to separately serve mandatory disclosures of infringement or non-infringement, and validity or invalidity contentions. This does not relieve the parties of their obligation to fully respond to discovery requests directed to these issues.
4. A *Markman* hearing, if necessary, shall be held on [\_\_\_\_\_] at 9 a.m.
  - a) Ten (10) days in advance of the *Markman* hearing date, each side shall file with the Court a statement of the interpretation for which it contends, along with a

memorandum explaining how the intrinsic evidence (claims, specification and prosecution history) of the patent(s)-in-suit support that interpretation.

b) If either side claims that it also intends to rely on extrinsic evidence, it shall

- (i) explain why extrinsic evidence is necessary,
- (ii) explain the extrinsic evidence it intends to offer, and
- (iii) if the extrinsic evidence is testimony (e.g., from an expert or the inventor), submit to the Court such testimony in the form of an affidavit.

5. The Court will set aside one full court day for the *Markman* hearing. Both sides will be given four (4) hours to make a presentation.

6. The case will proceed to trial on \_\_\_\_\_, 2010 at 9:30 a.m.

\_\_\_\_\_  
Dated:

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE